

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

TANYA R. MCCRAY,

Plaintiff,

v.

IQ DATA INTERNATIONAL, INC.,

Defendant.

Case No. 2:22-cv-00993-DAD-JDP (PS)

ORDER TO SHOW CAUSE

On November 7, 2023, defendant filed a motion to dismiss this action for plaintiff's failure to prosecute. ECF No. 35. To date, plaintiff has not filed a response to the motion.

Under the court's local rules, a responding party is required to file an opposition or statement of non-opposition to a motion no later than fourteen days after the date it was filed. E.D. Cal. L.R. 230(c). To manage its docket effectively, the court requires litigants to meet certain deadlines. The court may impose sanctions, including dismissing a case, for failure to comply with its orders or local rules. *See Fed. R. Civ. P. 41(b); E.D. Cal. L.R. 110; Hells Canyon Pres. Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 2005); *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988).

Involuntary dismissal is a harsh penalty, but a district court has a duty to administer justice expeditiously and avoid needless burden for the parties. *See Pagtalunan v. Galaza*, 291 F.3d 639, 642 (9th Cir. 2002); *Fed. R. Civ. P. 1*.

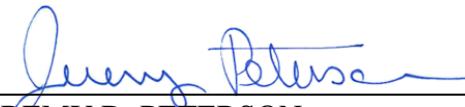
1 The court will give plaintiff the opportunity to explain why sanctions should not be
2 imposed for failure to file an opposition or statement of non-opposition to defendant's motion.
3 Plaintiff's failure to respond to this order will constitute a failure to comply with a court order and
4 will result in a recommendation that this action be dismissed.

5 Accordingly, it is hereby ORDERED that:

- 6 1. The January 11, 2024 hearing on defendant's motion to dismiss is continued to
7 February 8, 2024, at 10:00 a.m., via Zoom.
- 8 2. By no later than January 25, 2024, plaintiff shall file an opposition or statement of non-
9 opposition to defendant's motion to dismiss. *See* ECF No. 35.
- 10 3. Plaintiff shall show cause, by no later than January 25, 2024, why sanctions should not
11 be imposed for failure to timely file an opposition or statement of non-opposition to defendant's
12 motion.
- 13 4. Defendant may file a reply to plaintiff's opposition, if any, no later than February 1,
14 2024.
- 15 5. Failure to comply with this order may result in a recommendation that this action be
16 dismissed for lack of prosecution, failure to comply with court orders, and failure to comply with
17 local rules.

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19 IT IS SO ORDERED.

20 Dated: January 4, 2024



JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE

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